

The Honorable Barbara Jacobs Rothstein

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AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
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01-MD-01407-ORD

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

IN RE: PHENYLPROPANOLAMINE (PPA)  
PRODUCTS LIABILITY LITIGATION

MDL No. 1407

This document relates to all cases listed in  
Exhibit A

ORDER GRANTING MOTION TO  
DISMISS "DELACO RELEASED  
PARTIES"

This matter is before the Court on the Motion to Dismiss filed by Williams, Kastner & Gibbs PLLC, local counsel for the Delaco Settlement Trust, Miller & Martin PLLC, special counsel for the Delaco Settlement Trust, and The New Delaco Company as successor in interest to The Delaco Company as successor by merger to Thompson Medical Company, Inc. (hereinafter "Delaco").

Having considered the moving papers and attachments thereto, the Court finds the following:

1. Delaco, a defendant in numerous cases pending in MDL 1407 *In Re Phenylpropanolamine (PPA) Products Liability Litigation*, filed a voluntary petition for relief under Chapter 11 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Southern District of New York (hereinafter the "Bankruptcy Court"), and on February 17, 2006, the Bankruptcy Court confirmed the Amended Plan of Reorganization of

ORDER GRANTING MOTION TO DISMISS "DELACO RELEASED  
PARTIES" - 1  
(MDL No. 1407)

Williams, Kastner & Gibbs PLLC  
601 Union Street, Suite 4100  
Seattle, Washington 98101-2380  
(206) 628-6600

1 The Delaco Company under Chapter 11 of the United States Bankruptcy Code as more fully  
2 set out in the Confirmation Order.

3 2. The Confirmation Order approved the establishment of the Delaco Settlement  
4 Trust; the trust's assumption of all liability arising from or related to Delaco Trust Claims  
5 through a Channeling Injunction; dismissed "all actions commenced against Delaco asserting  
6 personal injury or wrongful death claims based on the ingestion of products containing PPA";  
7 directed the claims to the Delaco Settlement Trust; released all claims "constituting, based  
8 upon, arising out of, attributable to or connected with any Dexatrim Trust Claims, PPA  
9 Litigation or Dexatrim Products..."; and approved the appointment of Miller & Martin PLLC  
10 as the Claims Reviewer of the Trust.

11 3. As required by the terms of the Delaco Settlement Trust, the Claims Reviewer  
12 reviewed Delaco Trust Claims and negotiated settlement compensation with each claimant  
13 listed on Exhibit A to this Order. Prior to receipt of settlement compensation, the claimants  
14 listed in Exhibit A executed release and tender of payment forms indicating the claimants'  
15 agreement to release his or her Delaco Trust claim and to dismiss his or her cause of action.  
16 Subsequently, each claimant listed in Exhibit A has received 90% of the total adjusted  
17 settlement compensation value (less any amounts withheld for lien holdbacks and the 8% MDL  
18 fee).


19 4. The dismissal of all actions commenced against Delaco asserting personal injury  
20 or wrongful death based on the ingestion of products containing PPA and direction of these  
21 claims to the Delaco Settlement Trust by the Bankruptcy Court is approved and adopted by this  
22 Court.

23 5. Each claimant listed in Exhibit A has settled his or her claim with the Delaco  
24 Settlement Trust and consented to the dismissal of his or her claim.  
25

1 Based upon the findings set out above, IT IS HEREBY ORDERED:

2 That the claims identified in the chart attached to this Order as Exhibit A are dismissed  
3 with prejudice and on the merits against The Delaco Company, successor by merger to  
4 Thompson Medical Company, Inc., Thomson Medical Company, Inc., Chattem, Inc., Signal  
5 Investment and Management Co., Sidmak Laboratories, Inc., n/k/a Pliva, Inc., the Delaco  
6 Settlement Trust, the Trustee of the Delaco Settlement Trust, the Trust Advisory Committee of  
7 the Delaco Settlement Trust, Miller & Martin PLLC, Special Master John E. Keefe, Sr., Lynch  
8 Keefe Bartels, and/or any vendor, retailer distributor, formulator, and/or manufacturer of any  
9 part of the Dexatrim Products and a Minute Entry for each case pending in MDL 1407 listed in  
10 Exhibit A will be entered referring to this Order of Dismissal.

11 DATED this 30<sup>th</sup> day of July, 2007.

12   
13

14 Honorable Barbara Jacobs Rothstein

15  
16  
17 PRESENTED BY:

18 s/Gregory D. Shelton, WSBA #36530  
19 Attorneys for Delaco Settlement Trust  
20 WILLIAMS, KASTNER & GIBBS PLLC  
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ORDER GRANTING MOTION TO DISMISS "DELACO RELEASED  
PARTIES" - 3  
(MDL No. 1407)

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## EXHIBIT A

### DELACO MDL CASES TO BE DISMISSED

<i>Claimant</i>	<i>MDL</i>	<i>Parties to be Dismissed</i>
Allison, Beatrice	02-39	Chattem, Inc. The Delaco Company
Anderson, Harry L. (Isiah L. Anderson)	03-2243	Chattem, Inc.
Anita, Renee	04-247	The Delaco Company
Atkinson, Wanda	04-143	Sidmak Laboratories Sobel NV Chattem, Inc. Signal Investment Pam Holdings, Inc. Plivaa DD Alps Pharmaceuticals The Delaco Company
Ballentine, Rosalind	04-404	The Delaco Company
Barbee, David	04-1106 04-1371	Chattem, Inc. The Delaco Company Pliva, Inc.
Baumgartner (now Wagner), Madeline J.	03-2748	Sidmak Laboratories, Inc. The Delaco Company Chattem, Inc. Steve Weiss & Co., Inc.
Carlson, Shelia	04-245	Chattem, Inc. The Delaco Company Wal-Mart Stores, Inc.
Carmichael, Bettie	03-1126	Chattem, Inc. The Delaco Company Sidmak Laboratories, Inc. Sobel NV Alps Pharmaceuticals Signal Investment & Management Co. Pam Holdings, Inc. (DE) Pam Holdings, Inc. (NJ) DD Plivaa
Carr, George Jean	04-887	Chattem, Inc. The Delaco Company
Chaney, Brenda	03-1790	Chattem, Inc. The Delaco Company
Clymer, William G.	04-994	Chattem, Inc. The Delaco Company Pliva, Inc.

Cook, Derek		02-282	Chattem, Inc. The Delaco Company
Craig, Janna		03-1736	Chattem, Inc. Thompson Medical Co., Inc.
Denitzio, David		02-1078	Chattem, Inc. Chattem, Inc. Consumer Products Division Chattem Chemicals, Inc.
Evans, Janet		03-384	The Delaco Company Sidmak Laboratories, Inc. Sobel NV Alps Pharmaceutical Ind. Co., Ltd. Plivaa D.D.
Fisher, Kevin		04-934	Chattem, Inc. The Delaco Company Pliva, Inc. Sidmak Laboratories, Inc.
Fogg, Tina		04-67 04-970	Chattem, Inc. The Delaco Company Pliva, Inc.
Fry, Robert		01-2184 03-228	Thompson Medical Co. Chattem, Inc. Pliva DD The Delaco Company Sobel NV
Graisc, Rosie Mary		04-1169	Chattem, Inc. The Delaco Company
Hall, Billie		03-763	Chattem, Inc. Eckerd Co. Wal-Mart Stores, Inc. The Delaco Company
Hayles, Janice		04-793	Chattem, Inc.
Hill, Jo		03-3275	The Delaco Company Chattem, Inc.
Hughley, Rose		03-3118	The Delaco Company Thompson Medical Co., Inc. Chattem, Inc. Sidmak Laboratories, Inc. Sobel NV Pliva Prague Steve Weiss & Co., Inc. Alps Pharmaceuticals, Inc. Co. Ltd.
Jackson, Charles		03-1440	Chattem, Inc. HEB, Inc. HE Butt Grocery The Delaco Company

Jackson, Patsy	02-760	Chattem, Inc.
Johnson, Earnestine	04-145	The Delaco Company Sidmak Laboratories, Inc. Sobel NV Chattem, Inc. Signal Investment and Management Pam Holdings, Inc. Plivaa DD Alps Pharmaceuticals
Jones, Ida	03-1465 03-1819	Chattem, Inc. The Delaco Company
Kazebee, Anne	01-2129	Thompson Medical Co., Inc. The Delaco Company Chattem, Inc. Sidmak Laboratories, Inc.
Kingston, Betty Jo	03-1016	The Delaco Company Sidmak Laboratories, Inc. Sobel (NV) Chattem, Inc. Signal Investment & Management Pam Holdings, Inc. (DE) Pam Holdings, Inc. (NJ) Plivaa DD Alps Pharmaceuticals
Leone, Marion Rose	02-2157	Chattem, Inc. The Delaco Company Rite-Aid of Pennsylvania, Inc. Thompson Medical Co., Inc.
Lilly, Kathleen	02-557	Chattem, Inc.
Liuzza, Michael	04-136	The Delaco Company Sidmak Laboratories, Inc. Sobel NV Chattem, Inc. Signal Investment and Management Pam Holdings, Inc. Plivaa DD Alps Pharmaceuticals
Lundgren, Karen	02-2526	Chattem, Inc. Long's Drug Stores California, Inc. Albertson's, Inc.
Mays, Maxie	04-1208	Chattem, Inc. Thompson Medical Co., Inc. French's Pharmacy, Inc.
Mays, Betty	03-3529	Chattem, Inc. Thompson Medical Co., Inc. French's Pharmacy, Inc.

McKinney, Junior	04-806	Chattem, Inc.
McQuirter, Marjorie	02-426	Chattem, Inc. Charles Henry Best d/b/a Fred's Dollar Store a/k/a Martin's Drug Store Charles Henry Best f/k/a Martin's Drug Store, d/b/a Fred's Dollar Store
Mellia, Antoinette	03-1012	The Delaco Company Sidmak Laboratories, Inc. Sobel NV Chattem, Inc. Signal Investment and Management Pam Holdings, Inc. (DE) Pam Holdings, Inc. (NJ) Plivaa DD Alps Pharmaceuticals
Noud, Theresa	04-334	Chattem, Inc. The Delaco Company
Rodriguez, Oralia	03-3132	Chattem, Inc. The Delaco Company
Schmidt, Terrigene	02-1075	Chattem, Inc. Thompson Medical Co., Inc.
Slocum, Anthony	02-555	Chattem, Inc. The Delaco Company
Stevens, Peggy	04-1369	Chattem, Inc. The Delaco Company Pliva, Inc.
Walsh, Carolyn	04-872	The Delaco Company Sidmak Laboratories, Inc. Sobel NV Chattem, Inc. Signal Investment and Management Pam Holdings, Inc. DD Plivaa Alps Pharmaceuticals